

**MINUTES**  
**Montana Fish, Wildlife & Parks Commission Meeting**  
**Helena Headquarters**  
**1420 East Sixth Ave.**  
**Helena, MT 59620**

**February 12, 2003**

**Commission Members Present:** Dan Walker, Chairman; Tim Mulligan, Vice-Chairman; John Brenden; John Lane; Mike Murphy.

**Fish, Wildlife & Parks Staff:** Jeff Hagener, Director and other Department personnel.

**Guests:** Nancy Johnson, APLE; Jon Jourdonnais, PPL; Don Nickman, PPSA; Gary Porter; Rich Adams, BLM; John Gernston, BLM; Mary Ellen Schnur, MOGA; Larry Rattray, MT Bowhunters Assn.; Meg Smith, Rancher; Jay Bodner, MSGA.

**Topics of Discussion:**

1. **Opening – Pledge of Allegiance**
2. **Introductions**
3. **Appreciation Award – Darlyne Dascher**
4. **Approval of Commission Minutes of December 12, 2002**
5. **Approval of Commission Conference Call Minutes of December 30, 2002**
6. **Approval of Commission Expenses through December 31, 2002**
7. **Approval of Commission Expenses through January 31, 2003**
8. **Wolf Plan EIS – Information**
9. **PP&L MT Petition to Close Cochrane Ryan & Morony Res. On Missouri River**
10. **Authorize Director to Extend License Deadlines – Final**
11. **Proposed ARM Rule – Extension of Deadlines – Final**
12. **Proposed ARM Rule – Deer, Elk, Antelope & Swan Bonus Points – Final**
13. **Fishing Access Site Review – Information**
14. **2003 Deer & Elk Regulations – Final**
15. **2003 Game Damage Permit Authorizations – Final**
16. **2003 Spring Turkey Regulations – Final**
17. **2003 Spring Black Bear Quotas – Final**
18. **2003 Moose, Sheep and Goat Quotas – Final**
19. **Annual Prairie Dog Rule – Final**
20. **DNRC Lease Renewals – Big Lake & Gravelly-Blacktail – Final**
21. **Trophy Definition for Mule Deer Restitution Purposes – Final**
22. **Private Land Fishing Access Program Rules – Final**

1. **Opening – Pledge of Allegiance.** Chairman Dan Walker called the meeting to order at 8:10a.m. and led the Pledge of Allegiance.

2. **Introductions – Director Jeff Hagener** asked Commissioners and FWP personnel to introduce themselves to **Commissioner John Brenden.**

**3. Appreciation Award – Darlyne Dascher.** For her years of service and many contributions to the sportsmen and natural resources of the State of Montana, **Director Hagener** presented an award to **Darlyne Dascher**, former **Fish, Wildlife & Parks Commissioner** for Region Six.

**4. Approval of Commission Minutes, December 12, 2002.**

***ACTION:** Commissioner John Lane moved approval of the December 12, 2002 Commission meeting minutes. Second by Commissioner Mike Murphy. Motion passed.*

**5. Approval of Commission Conference Call Minutes, December 30, 2002.**

***ACTION:** Commissioner Tim Mulligan moved to approve the minutes of the December 30, 2002 conference call. Second by Lane. Motion passed.*

**6. Approval of Commission Expenses Through December 31, 2002.**

***ACTION:** Murphy moved to approve the Commission Expenses as presented through December 31, 2002. Second by Lane. Motion passed.*

**7. Approval of Commission Expenses Through January 31, 2003.**

***ACTION:** Mulligan moved to approve the Commission Expenses as presented through January 31, 2003. Second by Murphy. Motion passed.*

**8. Wolf Plan EIS – Darlyne Dascher.** Commissioners were updated by former FWP Commissioner, **Darlyne Dascher** on the Wolf Plan status and minor changes made to the plan after the last meeting of the Wolf Advisory Council. She told the Commissioners that they need to be involved with future issues, such as funding. The Council feels strongly the program should not be funded entirely by sportsmen's dollars. Since the program is federally mandated, the primary funding should be federal. The Council is concerned the management plan will be implemented and funded and the compensation portion left unfunded. Results of a study on compensation should be available the end of April, 2003. Legislation presently being considered in the 2003 Montana Legislature may have serious implications on whether wolves could be delisted and whether the state could take over management. FWP plans to release the draft wolf EIS the week of March 10, 2003.

**Walker** asked if the Defenders of Wildlife had made a commitment regarding compensation. **Chris Smith, Chief of Staff** said they had not made it clear if they would continue their program after wolves were delisted. This organization will consider results of the compensation study before making a decision. He assured the Commission that FWP would continue to play an active role in developing a compensation program. **Walker** said he would like to see this developed soon as it may help in finalizing the rest of the plan.

**Carolyn Sime, FWP Wildlife Biologist and Wolf Planning Coordinator**, told Commissioners the schedule is to have public meetings in April, finalize the comments in May and bring the plan back to the Commission in July. **Walker** asked for a commitment to shorten the timeline and to have a draft Record of Decision ready for the Commission by June. **Sime** agreed to this deadline. **Walker** said when this is put to the public, it should state when final approval will be given by the Commission. **Hagener** said after the public comments have been received and draft responses written, the Advisory Council would be asked to reconvene to review for anything new or different that may need to be incorporated before finalizing the plan. **Walker** asked that the Commission be consulted if there is a meeting of the Advisory Council as they may wish to attend as individuals or perhaps schedule a Commission work session.

**9. PP&L Montana Petition to Close Cochrane, Ryan & Morony Reservoirs on the Missouri River.** **Mike Aderhold, Region Four Supervisor**, introduced **Nancy Johnson** of APLE & **Jon Jourdonnais** from PP&L. **Aderhold** told Commissioners the petition for closure of the reservoirs is for public safety, and is supported by FWP staff in Region Four.

**Walker** noted the request does not indicate any areas open for fishing. **Aderhold** said some areas would be open for fishing from the shore. **Nancy Johnson** said the intent was to close the areas for water based uses, not shoreline uses. She said this would be clarified. **Walker** asked to have the issue of fishing and personal watercraft clarified. **Jourdonnais** told Commissioners their concerns would be addressed. He said it was not the intent to preclude all public activities, only those considered unsafe.

**Lane** asked if waterfowl hunting would be allowed. **Jourdonnais** indicated waterfowl hunting would probably not be allowed on the reservoir, as the birds fall into the reservoir and retrieval would be unsafe. **Mulligan** said the petition as written would allow waterfowl hunting and asked this be clarified. **Walker** does not believe waterfowl hunting should be excluded. **Aderhold** replied the waterfowl hunting issue could be reviewed and discussed further. **Walker** asked for further review and discussion on this and if the conclusion is to preclude waterfowl hunting, he would accept the decision.

**Mulligan** asked if this would become an ARM rule. **Bob Lane, FWP Legal Council** recommended Commissioners take the petition and then decide if they wished to direct FWP to initiate the ARM rule process. **Walker** asked if the April timeline could be met with developing an ARM rule. **Lane** replied it could probably be done. **Walker** said they would try to meet the schedule requested by PP&L.

***ACTION:** Lane moved to accept the Department's recommendation with modifying language addressing fishing from designated areas, waterfowl hunting, and the use of personal watercraft. In addition direct the Department to pursue this through the ARM rule process.*

**Walker** requested the motion be modified to eliminate personal watercraft but allow fishing from shore at designated areas, and off reservoir waterfowl hunting. **Lane** agreed with this request.

***ADDITIONAL ACTION:** Mulligan seconded. Motion passed.*

**10. Authorize Director to Extend License Deadlines – Final.** **Dan Ellison Chief of Administration and Finance Division**. The proposal would eliminate the need for Commission conference calls when there is a need for extension of license application deadlines. This would be a permanent rule

***ACTION:** Murphy moved to approve the rule to authorize the Director to extend license deadlines. Second by Lane. Motion passed.*

**11. Authorize Addition of Deer, Elk, Antelope & Swan to Bonus Point Program – Final.** **Wayne Johnson, Bonus Point Coordinator**, gave a brief history of this program and how it operates. Public comments received on the proposal were mainly to expand the bonus point program.

***ACTION:** Mulligan moved to approve the rule to add deer, elk, antelope & swan to the bonus point program. Second by Brenden. Motion passed.*

**13. Fishing Access Site Review – Information.** **Tom Reilly, Parks Division Assistant Administrator**, reviewed for Commissioners the goal of the fishing access site disposal review. The goal of this review was to determine if there are sites, or portions of sites, that could be disposed of. The money saved from operations and maintenance would be used for the remaining sites. Sites purchased with federal dollars have restrictions on what can be done with these areas. Thirty-five properties were identified for possible disposal in the final review. Some could be used in future land trades. There are leases that need to be cleaned up, eliminated or

renegotiated. Disposing of state owned land could be expensive. It may cost \$9,000 to \$13,000 per site. The Department recommends trading some sites to other government agencies, disposing of some of the smaller sites and then determine if the associated costs of these transactions were justified before proceeding with disposing of the larger sites. **Mulligan** believes it would be beneficial to trade some sites with other government agencies but would like assurance the sites would remain accessible to the public. He noted federal agencies do not want to spend money on recreational sites either. **Reilly** clarified the land identified would not be fishing access areas on a water body, but would be surplus lands within an individual FAS away from the water.

**Walker** said notice to the public should contain information that this is a trial and why the areas are being disposed of. Acknowledge the opposition there may be but state that FWP will continue and see if the program is successful. **Walker** asked for updates at Commission meetings. **Reilly** agreed and said all items proposed for disposal would be brought before the Commission first.

**Jeff Herbert, Research & Technical Services Supervisor, Wildlife Division;** gave a presentation to the Commission on how the regulations had been produced in the past and the new system being implemented. Under the new system, each region will have access to the regulations and be able to enter changes specific to their region instead of sending hard copies back and forth between Helena Headquarters and the regions. When the regulations are completed, they will be available on the FWP web site before hard copies are available. The new process simplifies and reduces the work required to produce the regulations. Being able to post the regulations on the FWP web site sooner will benefit the sportsmen when they apply for the special permits and licenses. **Mulligan** requested personnel other than those responsible for putting them together proof the regulations. **Walker** agreed there is a definite need for additional review by someone other than those directly involved in the regulation process. **Herbert** agreed to this and will work with Conservation Education personnel or other Department personnel on this request.

**Walker** commended those responsible for implementing this new system and said he believes it will be more efficient and accurate than the previous process. Commission members said they like this new process and agreed it would be an improvement.

**14. 2003 Deer & Elk Seasons – Final - Herbert** reviewed requested changes to the tentative regulations presented at the December Commission meeting.

#### **Deer**

Region One - no change requested.

**ACTION:** *Murphy moved to accept the Department recommendation. Second by Lane . Motion carried.*

Region Two – HD 210 - delete 210-00 50 antlerless mule Deer B. Renumber 210-01 to 210-00.

HD285 - add 285-01 25 antlerless whitetail B licenses. Valid only on private land excluding Plum Creek Timber Co. land.

HD290 – 290-10 reduce the number of unlimited antlerless whitetail B licenses available per hunter from four to two.

**ACTION:** *Murphy moved to accept the Department's recommendations for Region Two deer. Second by Lane. Motion carried.*

Region 3 – General Season - HD340 - Retain antlered buck mule deer or either sex whitetail season.

**Mulligan** noted 380-02 is not clear. **Herbert** said this would be an Either Sex B license that would allow for shooting either a mule or whitetail deer. This section will be clarified that either an antlerless mule or whitetail deer may be taken.

**ACTION:** ***Mulligan** moved approval of Region Three deer as amended. **Murphy** seconded. Motion carried.*

Region 4 – There are no proposed changes.

**ACTION:** ***Lane** moved to accept the tentative regulations for deer in Region Four as final. Second by **Mulligan**. Motion carried.*

Region 5 - No changes are proposed.

**ACTION:** ***Walker** moved acceptance of Region Five deer as proposed. Second by **Mulligan**. Motion carried.*

Region 6 - HD620 - Change General Deer A License to be valid for either sex mule deer and either sex whitetail.

**ACTION:** ***Brenden** moved to accept the proposed change for Region Six. Second by **Walker**. Motion carried.*

Region 7 – No proposed changes.

**ACTION:** ***Walker** moved acceptance of Region Seven as presented. Second by **Brenden**. Motion passed.*

## **Elk**

Region 1 – No proposed changes.

**Murphy** suggested HD121-02 be changed to increase the three permits for the handicapped to five. If this works OK for the sportsmen and landowners this year, then consider increasing the number again next season.

**ACTION:** ***Murphy** moved to accept Region One with the amendment to increase the number of handicapped permits from three to five. Second by **Mulligan**.*

**Herbert** said the number of permits to be issued for companions should also be increased.

**ADDITIONAL ACTION:** ***Murphy** amended his motion to also increase the number of companion permits to five. Second by **Mulligan**. Motion carried.*

Region 2 – Delete HD212-03 antlerless elk permits valid for persons permitted to “hunt from a vehicle” only. Animals were not available during a later season and the intent of the landowner was to potentially create more and better access to both his and adjacent lands during the general season. It was restricted to private lands during a later time period.

HD285 - add a youth hunt for either sex elk.

HD290 - eliminate 292-00, the late hunting opportunity described as “Also valid in East ¼ of district on mostly private land from Dec 1-Jan 1, 2004. This opportunity would be included in the 298-70 A-7 Antlerless Elk License. License / permit type 292-00 stays but the late hunt option moves to 298-70.

**ACTION:** ***Murphy** moved to accept Region Two elk as amended. Second by **Brenden**. Motion carried.*

Region 3 – HD310 – Establish the Gallatin Special Management Area (currently the Gallatin Closed Area) Add HD310-20 5 permits valid from Oct. 26-Nov. 30 for Brow-tined bull or antlerless elk. Valid in the Gallatin Special Management Area only.

HD321 – Delete HD321-21 unlimited either sex elk archery permits.

HD335 – Change 335-70 A-7 elk to 75 from 100, valid Oct. 20-25 Antlerless Elk. Valid on private land only. Surplus remaining after the drawing will not be sold. It will also be valid Oct. 26 through Dec. 15 Antlerless Elk valid the entire district with the provisions as listed above.

**Mulligan** stated there was considerable comment from the public regarding HD310. He said the meetings were publicized as the standard season setting and did not reference this change. This is a significant change in the season structure and the public was not made aware this would be part of the season structure. Although he agrees with the proposal he recommends it be dropped and the Department directed to include this in the Elk Management Plan rewrite. Specifically include this season and area change and designation as a management piece of that plan as presently written with the five permits. It could then be sent it out for public review so the public concerns of not having an opportunity to comment can be addressed. The proposal can then be brought back before the Commission next year. **Walker** agreed with **Commissioner Mulligan**.

***ACTION:** Mulligan moved to drop HD310 for five permits and direct FWP to include this proposal in the Elk Management Plan rewrite. Second by Walker. Motion carried.*

***ADDITIONAL ACTION:** Mulligan moved approval of the remaining Region Three elk proposals. Second by Brenden. Motion carried.*

**Mulligan** noted there is an error in HD310, the opening date for the proposed Gallatin Special Management Area (GSMA) should not be Oct. 26, but should have been Sept. 15. The proposal to drop the Gallatin Closed Area and create the GSMA, and the process for doing so, should be included in the Elk Management Plan.

Region 4 – HD422 – change from 125 to 100 permits; and the dates will be inclusive from Dec. 1 to Feb. 15, antlerless elk valid from south of Blacktail Creek in the main fork of Dearborn River only.

HD447 –00 - Reduce antlerless elk permits from 450 to 300. As this is a significant decrease, it needs to be apparent in the regulations for hunters applying for these permits.

HD450 – Change the season dates for HD450-00 from Sept. 1 – Feb. 15 to Sept. 1 – Dec. 15. Delete the language “not counted on or independent of HD442 elk quota” and retain the language “independent of HD442 elk quota.” In HD450-20, the permit is “no longer valid in HD441” and this reference should be deleted.

HD413, 416, 418, 432, 446, 448, 452, 454 withdraw the tentative proposal to limit the last nine day either sex elk season to valid outside national forest boundary only and revert to the 2002 season structure of, under General Oct. 26 – Nov. 21, antlered bull. Nov. 22 – Nov. 30, either sex elk and HD446 revert to Nov. 22 – Nov. 30. brow-tine bull or antlerless elk.

**GrahamTaylor, Region Four Wildlife Manager;** said after discussions with landowners it was decided to extend to February 15 the 175 antlerless permits in HD446. He recommended increasing the number to 300. **Lane** agreed 300 would be appropriate. **Graham** said if this number is high or not enough, the Commission still has the ability to change in August when quotas are finalized. These special permits would be valid Oct. 20 through Feb. 15; and may be valid during archery season.

**ACTION:** *Lane moved to accept the tentative elk proposals for Region Four as final with the noted amendments, change HD446 from Oct. 20 through Feb. 15 and increase the permits to 300. Second by Murphy. Motion carried.*

**Walker** asked that a notice be published in newspapers on this action. The public needs to be aware of the change and why it is being made.

Region 5 – HD520 – Under the general season, delete Oct. 26 – Nov. 2 antlerless elk valid the entire district. Change the special permits as follows: HD520-10 – increase from 30 to 75, Oct. 26 – Nov. 30 brow-tine bull or antlerless elk valid between east Rosebud and Stillwater River, also valid Dec. 1 – Dec. 15 antlerless elk only.

HD520-20 – either sex permits, no change.

HD520-40 – reduce the permits from 75 to 30 for Oct. 26 – Nov. 30 antlered bull elk valid east of Rock Creek and that portion of HD510 west of Hwy 310.

HD520-00 – decrease permits from 55 to 25, Oct. 26 – Dec. 15 antlerless elk, valid east of Rock Creek and that portion of HD510 west of Hwy 310.

HD520-41 – no change.

HD520-01 – increase to 60 permits Oct. 26 – Nov. 21 antlerless elk valid between Rock Creek and the West Fork of Rock Creek.

HD520-02 – increase to 60 permits, valid Nov. 22 – Dec. 15 antlerless elk valid between Rock Creek and the West Fork of Rock Creek

HD520-03 – Change to 520-11 and increase to 45 permits, Oct. 26 – Dec. 31 brow-tine bull or antlerless elk valid between the West Fork of Rock Creek and East Rosebud.

**ACTION:** *Walker recommended approval of Region 5 as amended; the big change is the deletion of the first week of antlerless elk hunting.*

**Jay Newell, Region Five Wildlife Biologist** said HD520-03 dates should be Dec. 1 – Dec. 31 for antlerless elk only.

**Herbert** asked to include in the motion the changes made in HD520 that would also apply to HD510.

**ADDITIONAL ACTION:** *Walker amended his motion to recognize the date correction for HD520-03 and the changes that would also apply to HD510. Second by Mulligan. Motion carried.*

**Walker** updated Commissioners and Department personnel on elk problems in the 590 area and what has taken place with landowners in the area. This area is east of Billings from Roundup to Hardin. There was significant damage to the corn crops last year. There was a damage hunt for elk at that time. This situation created a great deal of concern among sportsmen and the landowners. Meetings have been held with the landowners for over a year to work on access on forest lands above the irrigated crops and there has not been much luck so far in resolving this. It has been suggested to the landowners that more access be allowed to allow more animals be taken but this has not been accepted. The landowners seem to feel they can handle more elk. The landowners are not interested in utilizing the mechanisms available to them to keep elk out of their corn.

Region 6 – HD621 – These changes have been negotiated with the CMR. The first change relates to the Youth 12-14. It is recommended to list this a 621-00, 15 permits, Oct. 23 to Oct. 25 antlerless elk, youth 12-14 only, valid only on CMR Refuge in HD621 & 622. For Oct. 26 – Nov. 30, antlerless elk, youth 12-14 only, valid the entire district, HD 621 & 622. This would be a three-day period (10/23-25) where the youth permits would be valid on the CMR only and then valid the entire district in HD621 & 622 (10/26-11/30).

Split HD621-00 into 621-01 & 621-02. There will be 100 permits for each LPT, valid Oct. 26 – Nov. 30, antlerless elk. HD621-01 will be valid east of the Manning Corral Wilder Ridge Road or CMR road #202. These permits will not be valid during the archery season. HD621-02 will be valid during the regular season, antlerless elk, valid west of the Manning Corral Wilder Ridge Road.

**Mulligan** asked about the specific hunting education course required by the CMR. **Harold Wentland, Region Six Wildlife Manager**, said there is a session for youth the Saturday before the three-day season. Youth have to take this course if they want to hunt during those three days. **Mulligan** suggested language be included in the regulations so applicants know that is a requirement. **Randy Machett, CMR Biologist**, said the information he was given is that it is not a mandatory requirement to attend but attendance is strongly encouraged. If it is not mandatory, **Mulligan** said it did not need to be put in the regulations.

**Wentland** said the CMR had concerns about hunting around the viewing area. They felt there were elevated numbers of hunters and the hunters were trying to push elk out. It was thought this would give hunting a black eye. FWP agree to splint the antlerless permits.

**Herbert** said there is an error in the legal description for HD621 that the clarification will be included in the Department recommendations.

***ACTION:** Brenden moved the amended changes in Region Six be accepted. Second by Walker. Motion carried.*

Region 7 – No changes recommended.

***ACTION:** Walker moved approval of Region Seven. Second by Brenden. Motion carried.*

**Herbert** requested to modify the recommendation for elk in HD422-00. Delete portion valid south of Blacktail Creek and main fork of the Dearborn River.

***ACTION:** Lane moved to accept the Department's recommendation to change the wording on 422 to state 100 antlerless elk. Walker seconded. Motion carried.*

There was request insert wording into the list of equipment valid in the restricted areas to include crossbow. The revised wording would read archery equipment, crossbow, shotgun, muzzleloader. **Erickson** said this change is a result of proposed legislation. **Mulligan** said it had been requested to add crossbow to the end instead of next to archery.

***ACTION:** Walker moved to accept the recommendation to add crossbow to the list of weapons valid in restricted areas. Second by Lane. Motion carried.*

**15. 2003 Game Damage Permit Authorizations.** There are no recommended changes to what was adopted by the Commission in December.

***ACTION:** Lane moved to approve the game damage authorizations for 2003. Second by Murphy. Motion carried.*



**16. Spring Turkey Season – Final.** No changes are proposed from what was adopted in December except for some changes relative to quotas.

Region One – For the West Clark Fork unit, increase the number of permits from 80 to 115 for male turkeys. In Lincoln County, increase the permits from 80 to 125 for male turkeys.

Region Two – Ravalli County – increase the total number of permits to 100, 80 for males and 20 for male for youth 12-14 only. This would allow for tracking of who the individuals are.

**Murphy** said this is consistent with public comments, that turkey numbers in Region Two are increasing. It is also to try to get the youth involved in turkey hunting.

***ACTION: Murphy** moved to approve Regions One and Two spring turkey as presented. Second by **Lane**. Motion carried.*

**Walker** asked if the change for Toole and Pondera Counties required action. **Herbert** said this had been approved at the December meeting and if the 2003 regulations are approved the changes made at that time would be included in the final regulations. He said it could be taken care of by approving the modifications that were just reviewed.

***ACTION: Mulligan** moved approval of statewide spring turkey and as amended for Region One and Two. Second by **Lane**. Motion carried.*

**17. Spring Black Bear Quotas – Final.** No changes are recommended.

**Murphy** asked to consider closing the season the end of May instead of May 15 in the future. This would extend the season 15 days. He would like to have this issue researched to see if this would be feasible.

**Mulligan** asked the status of the black bear study. **Herbert** said depending on what Legislative actions are taken. There are some concerns as the funding has been cut. This project is partially completed. It would be a great mistake if the funding were lost. Hopefully the funding can be restored.

***ACTION: Mulligan** moved approval of the spring and fall black bear quotas. Second by **Walker**. Motion carried.*

**18. 2003 Moose, Sheep and Goat Quotas.** **Herbert** said there were a few modifications to moose, sheep and goat permits and seasons. The Commission had adopted proposed reductions in moose permit quotas for Region Three during the December meeting and there are no changes to those. There is one change to sheep in Region Two. In HD216-00, a reduction from 12 to 8 either sex permits. In HD213-00 it is recommended to close the season for goats. It is important to get these changes in the regulations for the information of sportsmen who may be applying in these areas.

**Firebaugh** said this is the Lost Creek area. Based on the previous two years harvest and that no goats had been seen in this area, it had been recommended dropping the number of permits from two to one. Public comments were to close the area and monitor the situation. The population will be monitored several years and determine what future actions should be taken. Sheep numbers are dropping in HD216 and public comments indicated it would be desirable to reduce the number of permits in this area.

***ACTION: Murphy** moved to support the amendment for sheep in HD216-00 and goat in HD213-00. Second by **Mulligan**. Motion carried.*

**ACTION:** *Mulligan moved approval of the Region Three moose quotas as recommend Second by Walker. Motion carried.*

**Herbert** said under the bear seasons in Region Five the districts are listed for closure December 1. To be consistent with the big game season those should read November 30 closure. It is requested the earlier motion be modified to clarify those date in Region Five.

**ACTION:** *Mulligan moved to amend his motion to change the Region Five bear closure to be consistent with the big game hunting season. Second by Walker. Motion carried.*

**Hagener** told Commissioners legislation has been proposed to move the opening day of general season from Sunday to Saturday. It is out of the House Committee and will probably be heard on the House floor this week. FWP did not testify on this bill. **Herbert** asked what the effective date of the bill is and said it is important to find out when this would be implemented as the regulations and all other information would be out with the opening date of Sunday, October 26. Would FWP be required to modify this to the 25<sup>th</sup> or would it be implemented in 2004.

**19. Prairie Dog Shooting on Public Lands Rule - Final.** No changes are proposed for the tentative adopted by the Commission in December. The Department recommends adoption of this rule. **Herbert** briefly reviewed the proposed rule and the area that would be impacted.

**ACTION:** *Walker moved to accept the annual prairie dog rule as presented. Second by Murphy. Motion carried four to one with Brenden opposing.*

**20. Big Lake & Gravelly-Blacktail DNRC Lease Renewals – Final.** These leases are for WMA lands that are within school trust lands. It is not anticipate the rates for these leases will change. The Big Lake lease is approximately \$200 and the lease for the Gravelly Blacktail is approximately \$635.

**ACTION:** *Brenden moved to approve the lease renewals for Big Lake and Gravelly-Blacktail WMA's. Second by Walker. Motion carried.*

**21. Trophy Definition for Mule Deer Restitution Purposes.** **Herbert** said at the December meeting, the Commission adopted with modifications the trophy definition for restitution purposes for mule deer. Final approval is being requested for this definition.

**Murphy** said he had been contacted as to why the green score was being used versus the traditional Boone & Crockett scoring and waiting 60 days for that scoring. Why are we going with the green score versus the more official score? **Mark Earnhart, Law Enforcement Program Manager**, told Commissioners said it is to be able to determine right away if the animal is legal or illegal and if it would carry a high restitution. It was felt 60 days was too long for someone to wait for this determination. **Murphy** said this could have a great impact on how a case is settled in the courts and the impact on an individual. **Herbert** suggested changing wording to "...have a gross Boone & Crockett score of 160 points or greater at time of seizure."

**ACTION:** *Walker moved approval of the definition as written. Second by Mulligan. Motion carried.*

**Hagener** updated Commissioners on HB372, sponsored by Representative Cyr, which is the bill proposing changing the opening day of hunting season from Sunday to Saturday. He said the legislation would become effective upon passage. As the regulations and all other items pertaining to hunting will have been printed, this would require a second printing. **Hagener** will talk to the Senate Fish and Game Committee and ask to have the opening date left for Sunday this year and implementation date changed to 2004.

**22. Private Land Fishing Access Program Rules – Final.** **Chris Hunter, Fisheries Division Administrator**, told Commissioners this program had been established to allow compensation to landowners who allow access across their lands for anglers. Changes suggested by the Commission during the December meeting have been made and the rule has been out for public comment. No comments were received. This rule would be used to evaluate applications for compensation. This law sunsets in 2006 at which time the Legislature would have to reevaluate the program.

***ACTION:** Walker move approval of the private land fishing access rules as presented. Second by Murphy. Motion carried.*

Meeting adjourned at 4:15 p.m.

Approved this 13<sup>th</sup> Day of March, 2003.

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**Dan L. Walker, Chairman**

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**M. Jeff Hagener, Director**